

**AMENDMENTS TO THE DRAWINGS**

One (1) sheet of replacement drawings in compliance with 37 C.F.R. § 1.84 is submitted herewith. The submitted drawing is a formal drawing intended to replace the drawing previously submitted on May 5, 2006. Specifically, reference numeral 12 is deleted from FIG. 1. No new matter is added. The Examiner is respectfully requested to acknowledge receipt of this drawing.

Attachment: One (1) Replacement Sheet

**REMARKS**

**Summary Of The Office Action & Formalities**

**Status of Claims**

Claims 1-17 have been examined. By this Amendment, Applicant is amending claims 1, 11 and 16, and adding new claim 18. No new matter is added. Accordingly, claims 1-18 are now pending in the present application.

Applicant thanks the Examiner for indicating that claim 7 includes allowable subject matter. However, Applicants believe a broader scope of the invention is patentable in view of the art of record.

**Additional Fees**

Submitted herewith is a Petition for Extension of Time with fee.

**Claim to Foreign Priority**

Applicant thanks the Examiner for acknowledging the claim to foreign priority and for confirming that the certified copy of the priority document was received.

**Information Disclosure Statement**

Applicant also thanks the Examiner for initialing the references listed on form PTO/SB/08 submitted with the Information Disclosure Statement filed on May 5, 2006.

**Drawings**

The *drawings* are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include reference numerals 12 and 30.

Applicant is amending the specification and drawings to overcome these objections. Specifically, reference numeral 30 is being corrected in the specification, and reference numeral 12 is being deleted from FIG. 1. No new matter is added.

Applicant respectfully request the Examiner to acknowledge acceptance of the drawings.

**Specification**

The *abstract of the disclosure* is objected to because it includes the legal phraseology 'said'. (Office Action at page 4.)

The *disclosure* is objected to because of the following informalities: it does not include section headings. (Office Action at page 5.)

Applicant is amending the specification to overcome these objections.

**Double Patenting**

Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 4 of copending Application No. 12/293,478.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitation of Application No. 12/293,478 to connect the pump chamber to the reservoir each time the pump is actuated is broad enough to include when the pump is primed.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Office Action at page 2.

Because the double patenting rejection is provisional, Applicant defers a response to this rejection until the time when one of the applications issues as a patent.

**Claim Rejections - § 112**

Claims 11, 12 and 16 are rejected under 35 U.S.C. § 112, second paragraph, for the reason set forth at page 5 of the Office Action

Applicant is amending the claims to overcome this rejection.

**Allowable Subject Matter**

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Art Rejections**

1. Claims 1 and 17 are rejected under 35 U.S.C. § 102(e) as being anticipated by Mbonyumuhire (US 7,182,226; Mbony).

2. Claims 1-6 and 8-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Corsette (US 4,640,443) in view of Mbony.

Applicant respectfully traverses.

**Claim Rejections - 35 U.S.C. § 102**

1. *Claims 1 And 17 In View Of Mbonyumuhire (US 7,182,226 B2; Mbony).*

In rejecting claims 1 and 17 in view of Mbonyumuhire (US 7,182,226 B2; Mbony), the grounds of rejection state:

*Mbony* shows a pump comprising a pump body (3), a pump chamber (col. 6, line 46), a piston (9 to 11) sliding in the pump chamber, a dispensing orifice (18), and a closer (16) displaceable between a closing position and open position of the dispensing orifice (col. 6, ll. 45-56), characterized in that the pump chamber has an inlet valve (10 with 4) separating the pump chamber from a dip tube (7) extending into a reservoir (col. 2, line 58) and a bypass passage arranged upstream of the inlet valve providing a connection between the dip tube and the pump chamber when the pump is primed (col. 6, ll. 18-29).

Office Action at page 6.

Claim 1, as amended, recites:

|        Fluid product dispensing pump comprising:  
         a pump body (10)  
         a pump chamber (20);  
         at least a first piston (72) sliding in the said pump chamber (20) to  
dispense the fluid product;  
         a dispensing orifice (45); and  
         a closer (38) displaceable or deformable between a closing position of the  
dispensing orifice (45) and an open position of the dispensing orifice (45),  
         wherein said pump chamber (20) comprises an inlet valve (70) separating  
the pump chamber (20) from a dip tube (18) extending to a reservoir (60) of fluid  
product, said inlet valve (70) comprises an inlet valve seat (71), and  
         a bypass passage (74) being provided between the said dip tube (18) and  
the said pump chamber (20), the said bypass passage (74) being arranged  
upstream of the said inlet valve (70), the said bypass passage (74) being a lateral  
hole formed in said inlet valve seat (71), and the said bypass passage connecting  
the pump chamber (20) to the dip tube (18) when the pump is primed. (emphasis  
added)

Applicant submits that claim 1 is patentable in view of Mbony, which discloses a widened portion of the channel connecting the dip tube (suction connection 7) to the inlet valve (valve plunger 10). In Mbony, said widened portion also allows air to escape in the reservoir during priming, but after priming, the passage will remain closed, because the valve element will not reach the widened portion again (col. 6, lines 12-44).

On the other hand, according to claim 1, the bypass passage is a lateral hole formed in the inlet valve seat and is arranged upstream from the inlet valve. Thus, the bypass passage of claim 1 may also be used to allow fluid to be discharged back towards the reservoir (see e.g., claim 7).

Mbony fails to disclose “the said bypass passage (74) being arranged upstream of the said inlet valve (70)” and “the said bypass passage (74) being a lateral hole formed in

said inlet valve seat (71)”, as recited in claim 1. Furthermore, nothing in Mbony would allow or motivate person of ordinary skill in the art to provide such a bypass passage.

Accordingly, Applicant submits that claim 1 is patentable for at least this reason.

Applicant submits that claim 17 is patentable at least by virtue of its dependency on claim 1.

**Claim Rejections - 35 U.S.C. § 103**

*1. Claims 1-6 And 8-17 Over Corsette (US 4,640,443) In View Of Mbony.*

In rejecting claims 1-6 and 8-17 over Corsette (US 4,640,443) in view of Mbony, the grounds of rejection state:

*Corsette* shows a pump comprising a pump body (part of 36 that is not 31), a pump chamber (27), a first piston (24) sliding in the pump chamber, a dispensing orifice (42), and a closer (49) displaceable between a closed position and an open position of the dispensing orifice (col. 5, ll. 3-26), characterized in that the pump chamber has an **inlet valve (21 with 22)** separating the pump chamber from a dip tube (19) extending to a reservoir (col. 3, line 8). ***Corsette does not disclose a bypass passage*** arranged upstream of the inlet valve providing a connection between the dip tube and the pump chamber when the pump is primed. However, ***Mbony shows*** a pump comprising a pump body (3), pump chamber (col. 6, line 46), and piston (9 to 11), characterized in that the pump chamber has an inlet valve (10 with 4) separating the pump chamber from a dip tube (7) and **a bypass passage** arranged upstream of the inlet valve providing a connection between the dip tube and the pump chamber when the pump is primed (col. 6, ll. 18-29). It would have been obvious to one having ordinary skill in the art at the time of the invention, under the teachings of *Mbony*, to have replaced the inlet valve structure of *Corsette* with the inlet valve structure of *Mbony* in order to reduce the number of strokes required to prime the pump (col. 6, ll. 30-35). The resulting combination would yield the pump body of *Corsette* including an integral valve plunger 10 of *Mbony*, the valve seat 22 of *Corsette* being replaced by a valve seat similar to

13 of *Mbony*, and the internal channel of the piston body 15 of *Corsette* having a stepped configuration similar to the channel 4 to 6 of *Mbony*.

Office Action at pages 7-8.

As noted above, the Examiner acknowledges that *Corsette* does not teach the claimed bypass passage of claim 1, but asserts that *Mbony* does. However, Applicant submits that *Mbony* fails to teach or fairly suggest that “the said bypass passage (74) [is] arranged upstream of the said inlet valve (70)” and that “the said bypass passage (74) [is] a lateral hole formed in said inlet valve seat (71)”, as recited in claim 1, for reasons similar to those presented above. Furthermore, nothing in *Mbony* would allow or motivate person of ordinary skill in the art to provide such a bypass passage.

Thus, *Mbony* fails to make up the deficiencies of *Corsette* with respect to claim 1. Applicant submits that claim 1 is patentable for at least this reason.

Applicant submits that claims 2-6 and 8-17 are patentable at least by virtue of their dependency on claim 1.

### ***New Claims***

For additional claim coverage merited by the scope of the invention, Applicant is adding new claim 18.

### ***Conclusion***

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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**23373**

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